

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

FINJAN, INC.,

Plaintiff,

v.

BLUE COAT SYSTEMS, INC.,

Defendant.

Case No. [15-cv-03295-BLF](#)

ORDER REGARDING MOTIONS TO SEAL

[Re: ECF 70, 80]

Before the Court are the parties' administrative motions to file under seal portions of their briefing and exhibits. ECF 70, 80. For the reasons stated below, the motions are GRANTED.

I. LEGAL STANDARD

"Historically, courts have recognized a 'general right to inspect and copy public records and documents, including judicial records and documents.'" *Kamakana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (quoting *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 597 & n.7 (1978)). Consequently, access to motions and their attachments that are "more than tangentially related to the merits of a case" may be sealed only upon a showing of "compelling reasons" for sealing. *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1101–02 (9th Cir. 2016). Filings that are only tangentially related to the merits may be sealed upon a lesser showing of "good cause." *Id.* at 1097.

In addition, sealing motions filed in this district must be "narrowly tailored to seek sealing only of sealable material." Civil L.R. 79-5(b). A party moving to seal a document in whole or in part must file a declaration establishing that the identified material is "sealable." Civ. L.R. 79-5(d)(1)(A). "Reference to a stipulation or protective order that allows a party to designate certain documents as confidential is not sufficient to establish that a document, or portions thereof, are

sealable.” *Id.*

II. DISCUSSION

The Court has reviewed the parties’ sealing motions and respective declarations in support thereof. The Court finds the parties have articulated compelling reasons to seal the submitted documents. The proposed redactions are also narrowly tailored. The Court’s rulings on the sealing request are set forth in the tables below:

A. ECF 70

| Identification of Documents to be Sealed | Description of Documents | Court’s Order |
|---|---|---------------|
| Plaintiff Finjan, Inc.’s Notice of Motion and Motion for Preliminary Injunction Pursuant to Rule 65 (“Motion”) at Page 2, l. 24; page 10, ll. 26-28; page 11, ll. 1, 3-4, 6-7, 11-20, 27; page 12, ll. 1-6, 20-22, 27; page 13, ll. 1-7; page 23, ll. 9-16. | Blue Coat’s confidential technical and business information | GRANTED |
| Declaration of Dr. Eric Cole in Support of Finjan’s Motion (“Cole Decl.”) at Page 10, ll. 15-22; page 16, ll. 1-10, 15-18, 19, 22; page 12, ll. 20-21, page 13, ll. 1-7, 12-23; page 14, ll. 12-16; page 15, ll. 18, 24, 26; page 16, ll. 1-3, 19-27; page 17, ll. 1-12, 18-27; page 18, ll. 1-15, 18, 22-23; page 19, ll. 1-7, 9, 11-16; page 20, ll. 4-19; page 21, ll. 1-12, 18-20, 25-26; page 22, ll. 1-8, 22-26; page 23, ll. 1-7, 20-23. | Reference to highly confidential Blue Coat information regarding products and functionality, operation, architecture, and development thereof, including reference to portions of Blue Coat’s source code | GRANTED |
| Exhibit 29 to Andre Decl. | Highly confidential Blue Coat information regarding Blue Coat’s marketing and financials | GRANTED |
| Exhibit 30 to Andre Decl. at Pages 37, 51. | Highly confidential information regarding Blue Coat’s business and financials | GRANTED |
| Exhibit 34 to Andre Decl. | Highly confidential Blue Coat information regarding Blue Coat’s trade secret and technology | GRANTED |
| Exhibit 35 to Andre Decl. | Highly confidential Blue Coat information regarding Blue Coat’s trade secret and technology | GRANTED |
| Exhibit 36 to Andre Decl. | Highly confidential Blue Coat | GRANTED |

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| | information regarding Blue Coat's trade secret and technology | |
| Exhibit 47 to Andre Decl. | Highly confidential Blue Coat information regarding Blue Coat's products and services | GRANTED |
| Exhibit 54 to Andre Decl. in its entirety | Discloses Finjan's confidential business and financial information. | GRANTED. |

B. ECF 80


| Identification of Documents to be Sealed | Description of Documents | Court's Order |
|---|--|---------------|
| Exhibits 1-4 to the Declaration of Yuridia Caire in Support of Finjan's Opposition to Blue Coat's Administrative Motion for Expedited Discovery and Continuance of the Briefing Schedule and Finjan's Cross-Motion for Expedited Hearing, in their entirety | Discloses Finjan's confidential information concerning Finjan's business, products and technical informa | GRANTED |
| Exhibits 7 to the Declaration of Yuridia Caire | Discloses Finjan's confidential information concerning Finjan's business, licensees, products and technical information. | GRANTED |

III. ORDER

For the foregoing reasons, the sealing motions at ECF 70 and 80 are GRANTED.

IT IS SO ORDERED

Dated: August 17, 2016


 BETH LABSON FREEMAN
 United States District Judge